

1 Julian M. Baum (CA State Bar No. 130892)
2 Lisa A. Lawrence (CA State Bar No. 132310)
2 JULIAN M. BAUM & ASSOCIATES
3 9 Tenaya Lane
3 Novato, California 94947
4 Telephone: (415) 963-4424
4 Facsimile: (888) 452-3849
5 E-Mail: JMB@JMBLawGroup.Com

5 *Attorneys for Plaintiff*

6 Anthony J. Rao (SBN 173582)
7 RAO TILIAKOS LLP
8 90 Park Avenue, 18th Floor
8 New York, NY 10016
9 Telephone: (212) 455-9255
9 Facsimile: (212) 297-0005

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10 Horace W. Green (SBN 115699)
11 C. Mark Humbert (SBN 111093)
11 GREEN & HUMBERT
12 220 Montgomery Street, Suite 1418
12 San Francisco, California 94104
13 Telephone: (415) 837-5433
13 Facsimile: (415) 837-0127

14 *Attorneys for Defendants*

15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE)

18 ROGER LOWTHER,) Case No. 5:11-cv-00350-RMW
19 Plaintiff,)
20 vs.)
21 EXEL GLOBAL LOGISTICS RETIREMENT)
21 PLAN; EXEL GLOBAL LOGISTICS, INC.;)
22 DPWN HOLDINGS (USA), INC. and)
22 EMPLOYEE BENEFITS COMMITTEE OF)
23 DPWN HOLDINGS (USA), INC.,)
24 Defendants.)
25)
26)
27)
28)

STIPULATION

26 The parties, by and through their counsel of record, hereby stipulate and agree as
27 follows:

28 STIPULATION

Case No. 5:11-cv-00350-RMW

1 1. Defendants will issue a settlement check made out to "Law Offices of Julian M.
2 Baum & Associates Client Trust Account, for Roger Lowther" on Friday, May 20, 2011.
3 Defendants will ensure that payment in full is received by Plaintiff's counsel no later than the
4 end of the business day on Monday, May 23, 2011.

5 2. In the event that payment is not made as specified in paragraph one, then
6 Defendants shall pay to Plaintiff the additional sum of \$1,000 per day until the settlement is paid
7 in full.

8 3. The parties hereby stipulate that the hearing on the "Order to Show Cause Why
9 the Settlement Has Not Been Paid" scheduled for May 20, 2011 be taken off the calendar.

DATED: May 20, 2011

JULIAN M. BAUM & ASSOCIATES

BY 
ATTORNEYS FOR PLAINTIFF

15 DATED: May 20, 2011

RAO TILIJA KOS LLP

By /s/ Anthony J. Rao
Anthony J. Rao

| XXXXXXXXXXXX | ORDER

21 | THE PARTIES HAVING STIPULATED AS SET FORTH ABOVE, IT IS SO ORDERED.

Dated: 5/20 2011

Ronald M. White

Honorable RONALD M. WHYTE
JUDGE OF THE UNITED STATES
DISTRICT COURT

26 Parties are to appear on June 3, 2011 at 10:30 a.m. If payment has been made, Plaintiff is
27 ordered to file a dismissal by May 31, 2011, and contact the Courtroom Deputy at (408)
28 535-5375, so as to take this matter off calendar.